UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/186
13 March 1996

ORIGINAL: ENGLISH

LETTER DATED 13 MARCH 1996 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the Memorandum of the Panmunjom Mission of the Korean People's Army dated 8 March 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

96-06146 (E) 150396 180396

/...

Annex

Memorandum of the Panmunjom Mission of the Korean People's Army (on the current status of the Korean Armistice System), Kaesong, 8 March 1996

The Government of the Democratic People's Republic of Korea advanced a detailed proposal on 22 February this year calling for the establishment of a new peace mechanism. This proposal has taken into full account the sharp military confrontation and the present reality of the armistice system on the Korean peninsula.

However, the United States, a signatory to the Korean Armistice Agreement, has refused to positively respond to the Democratic People's Republic of Korea proposal and now is trying to mislead world public opinion that the maintenance of the obsolete Armistice Agreement contributed to the security on the Korean peninsula.

In this connection, the Panmunjom Mission of the Korean People's Army issues this memorandum featuring the present status of the armistice system.

I. THE CURRENT STATUS OF THE KOREAN ARMISTICE AGREEMENT

The Korean Armistice Agreement, which was concluded on 27 July 1953, specified measures required for preventing the recurrence of hostilities and of all acts of armed force in Korea until a peaceful settlement of the Korean question is achieved.

A strict abidance by all of the provisions of the Armistice Agreement was a prerequisite for preserving peace and security on the Korean peninsula and for a peaceful resolution of the Korean question. Therefore, the Democratic People's Republic of Korea side has made every sincere and consistent effort towards strict compliance with the Armistice Agreement and conversion of the armistice into a durable peace.

The United States side, however, has persisted in its efforts to destroy the Armistice Agreement upon its signature of the Agreement and eventually invalidated the Armistice Agreement.

The United States side has failed to comply with the provisions of the Armistice Agreement concerning the peaceful settlement of the Korean question.

Paragraph 60 of the Armistice Agreement stipulates that within three months after the Armistice Agreement is signed and becomes effective "a political conference of a higher level of both sides be held ... to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.".

On 27 July 1953, just one day after the signing of the Armistice Agreement, the then United States Secretary of State, John Foster Dulles, said that "we would walk out of the political conference after the lapse of 90 days".

As Dulles declared, the United States side laid artificial obstacles at the preparatory talks for the political conference that were opened in October 1953 at the suggestion of the Government of the Democratic People's Republic of Korea, and unilaterally withdrew from the meeting room, thus bringing the talks to a rupture. And when the Geneva Conference was convened in April 1954 to discuss the Korean question, the United States side worked to make the Conference a failure.

This is the reason why paragraph 60 of the Armistice Agreement remains a dead paragraph that cannot be implemented now retroactively, and the Korean question was denied any chance of a peaceful resolution to be worked out by the political conference due in three months' time, as envisaged at the time of the signing of the Armistice Agreement, and this explains why the state of armistice has been in place for as long as 43 years.

In the wake of the Korean question having failed [to achieve] a peaceful solution, the United States side began to nullify the articles and paragraphs of the Armistice Agreement providing for the cessation of shipments into south Korea of military equipments and combat matériel.

Subparagraph 13 (d) of the Armistice Agreement says: "Cease the introduction into Korea of reinforcing combat aircraft, armoured vehicles, weapons, and ammunition." This subparagraph was a key provision essential for preventing the recurrence of war and maintaining peace and security on the Korean peninsula.

That was the reason why the United States side took this subparagraph of the Armistice Agreement as the first target of its action, and illegally introduced a huge quantity of combat matériel into south Korea in violation of the requirements of this provision.

The United States side had doctored its reports to the Neutral Nations Supervisory Commission (NNSC) to understate the quantity of the combat matériel introduced into south Korea, and later ceased presenting such reports. Meanwhile, the United States side disassembled big military hardware before its shipments in the form of the knocked-down parts or spare parts, to dodge the inspections by the Neutral Nations Inspection Teams (NNIT).

According to the summary reports submitted to the NNSC by the NNITs in Pusan and Kunsan, the United States side resorted to these knock-down shipments into south Korea of 38 B-26 combat aircraft through the Kunsan port of entry on 20 July 1955 and 106 42-inch dismantled mortars packed in crates under the disguise of "supplies for PX" on 31 July 1953.

The illegal introduction by the United States side into south Korea of the military equipment during the period since the date of the armistice through 15 April 1954, as reported by the NNITs, included 177 combat aircraft, 465 artillery guns of different calibre, 6,400 rocket launchers of different

calibre, 145 mortars of different calibre and 1,365 machine-guns of different calibre.

The United States side, which had been flagrantly violating the Armistice Agreement in this way, declared at the 75th meeting of the Military Armistice Commission that it would unilaterally abrogate subparagraph 13 (d) of the Armistice Agreement and would not submit daily reports concerning the replacement of the combat matériel.

Thereafter, the United States side "formally notified Syngman Rhee of the commencement of supplies of modern weapons into south Korea" and has turned south Korea into a nuclear-weapons base by overtly introducing large quantities of various kinds of the latest weapons, including nuclear weapons and guided missiles into south Korea.

At the 75th meeting of the Military Armistice Commission on 21 June 1957, as well as at other meetings, the Democratic People's Republic of Korea side strongly criticized any attempts for unilateral abrogation of any paragraph of the Armistice Agreement and urged the United States side to rescind its unreasonable decision and to continue submitting its reports concerning the replacement of the combat matériel.

At the eight rounds of its meetings, including the 316th meeting on 25 June 1957, the NNSC also examined this matter and confirmed that the announcement by the United States side of its unilateral abrogation of subparagraph 13 (d) of the Armistice Agreement was a flagrant violation of the Armistice Agreement. The United States side, however, has refused to withdraw its unreasonable position.

On the basis of its commitment to the implementation of the Armistice Agreement, the Democratic People's Republic of Korea side continued submitting its reports on the replacement of the combat matériel to the Military Armistice Commission and the NNSC until 30 April 1991 when the United States side illegally nominated a south Korean army officer as its senior member, only to completely paralyse the normal functioning of the armistice mechanism.

The reason why the United States side unilaterally abrogated subparagraph 13 (d) of the Armistice Agreement was explained later by the Americans themselves. United States Army Chief of Staff Lemnitzer told a closed-door hearing of the United States Congress Appropriations Committee on 27 February 1960 that "after years of efforts we succeeded in suspending subparagraph 13 (d) of the Armistice Agreement and we have modern equipment there".

It is the invalidation by the United States side of the key provisions of the Armistice Agreement that has paved the way for south Korea's current status as the greatest United States overseas military base and nuclear base.

Out of the total of 63 paragraphs under 5 articles of the Armistice Agreement, article II, paragraphs 12, 14 and 17 of the concrete arrangements for cease-fire and armistice and article III, paragraphs 51 to 59, stipulating arrangements relating to prisoners of war, have already been implemented. On

the other hand, the United States side has abrogated paragraph 13 under article II, prescribing the non-introduction of the combat matériel, the provisions (paras. 19-35) on the composition, function and authority of the Military Armistice Commission and the provisions (paras. 36-50) on the composition, function and authority of the NNSC.

Those provisions of the Armistice Agreement that still remain in force are only nine paragraphs of article I (The military demarcation line and the demilitarized zone). Even those paragraphs remain the symbolic records of the Agreement, with virtually no role to play. From a scientific point of view, any matériel can hardly remain in its original state when more than half of its properties are replaced by alien properties.

The Armistice Agreement, two thirds of which has been invalidated, has turned out to be a scrap of paper which can do nothing in favour of peace on the Korean peninsula.

II. PRESENT REALITY OF THE ARMISTICE WATCHDOG BODIES

The mandate of the Armistice supervisory body is to implement the Armistice Agreement. The basic mission of the Military Armistice Commission is primarily to settle through negotiations any violations of the Armistice Agreement, as specified in the relevant provisions of the Agreement.

- The United States side has completely paralysed the Military Armistice Commission.

Ever since the inception of the Military Armistice Commission, the United States side had left no stones unturned to paralyse its functions, and at the 192nd, 194th, 198th, 199th and 213th meetings of the Commission the United States side called for a so-called "regular meeting" and an "extraordinary meeting", which were not referred to in the Korean Armistice Agreement, and made a far-fetched proposal for a meeting of the Commission in six months and a Secretaries' meeting in a month, a move that prevented timely settlement of violations of the Armistice.

In total non-compliance with the requirement of paragraph 31 of the Armistice Agreement that if a senior member of either side receives 24 hours' notice he should participate in that meeting, the United States side failed to attend the meetings called by our side at an appointed time, delaying the 285th meeting of the Military Armistice Commission for 15 days, the 313th meeting for 12 days, the 315th meeting for 16 days, the 318th meeting for 18 days, the 319th meeting for 14 days, the 326th meeting for 11 days, the 327th meeting for 15 days, the 328th meeting for 19 days and the 331st meeting for 13 days.

The United States side stonewalled smooth discussions of issues in one way or another, including the screening of films showing the streets of Seoul, an action irrelevant to the implementation of the Armistice Agreement, especially at the 224th, the 289th and the 303rd meetings of the Commission where the United States side found itself hard-pressed by censure by the Democratic

People's Republic of Korea side of the violations by the United States of the Armistice Agreement.

The United States side broke off the discussion of the issues at those meetings by walking out of the meeting room unilaterally when it was in trouble because of exposure of its criminal acts, and even proposed that violations of the Armistice Agreement be settled through telephone messages and documents, not at the Military Armistice Commission and Secretaries' meetings.

At meetings of the Joint Observation Team on 8 August 1962 and 3 September 1963, the United States side opposed the dispatch of the Team to investigate violations of the Armistice Agreement that had occurred inside the demilitarized zone, in accordance with paragraphs 26 and 27 of the Armistice Agreement, and deliberately hindered progress in the on-the-spot investigation of incidents, thus aborting meetings unilaterally.

The United States side continued every effort to hamper the activities of the Joint Observation Team until 6 April 1967, when the United States side completely halted the activities of the Team by refusing to comply with the requirement of the Armistice Agreement for submitting the report on the meeting of sub-team No. 2 of the Team held that day in connection with a serious incident in which the United States military personnel had barbarously killed civil police personnel of the Democratic People's Republic of Korea.

As part of its attempts towards a systematic abolition of the functions and role of the Armistice supervisory body, the United States side designated a south Korean army officer as the senior member of the "UNC" side to the Military Armistice Commission on 25 March 1991, for which he has neither qualification nor legal authority at all, thus completely paralysing the Commission.

It is crystal-clear to anyone that south Korea is not qualified to be represented at the Military Armistice Commission because south Korea was a bitter opponent of the conclusion of the Armistice Agreement itself and refused to accept the Armistice Agreement, and moreover because south Korea was not a signatory to the Armistice Agreement and did not join the "United Nations Forces".

- The United States side has also deliberately wrecked the Neutral Nations Supervisory Commission.

The mission of the NNSC is to carry out the functions of supervision, observation, inspection and investigation as stipulated in subparagraphs 13 (c) and 13 (d) and paragraph 28, as required by paragraph 41 of the Armistice Agreement, and to report the results of these activities to the Military Armistice Commission.

The United States side, however, employed every conceivable means to interfere with NNSC activities and persisted in machinations to destroy the NNSC, as the NNSC was considered to be standing in the way of its arms build-up. Having hindered the activities of the NNITs, the United States side forcibly expelled the NNITs posted at the designated ports of Inchon, Taegu, Kangnung, Pusan and Kunsan, on a mission of supervising and inspecting the introduction of

reinforcing combat aircraft, armoured vehicles, weapons and ammunitions into Korea under paragraph 43 of the Armistice Agreement.

At the 41st meeting of the Military Armistice Commission on 20 April 1954, the senior member of the "UNC" side, Major-General Lacey openly stated that "the UNC side does not and will not permit the Neutral Nations Inspection Teams to board our ships for inspection purposes".

In January 1956, the United States side laid down artificial obstacles to the activities of the inspection teams, especially citing what they called "security reasons" for which inspection should not be conducted other than under normal conditions except aboard helicopter only at the altitude of 100 feet.

On 6 August 1955, the United States side prompted the Syngman Rhee puppet clique to threaten the NNIT members of the ports of entry and other posts to stage demonstrations calling for their disbandment and to mobilize mobs to attack NNIT camps in Pusan, Inchon, Taegu and Kunsan.

On 5 August 1955, the United States side prodded the south Korean authorities to issue an ultimatum that the NNSC withdraw from south Korea no later than 24 hours on 13 August 1955. The United States side engineered a car accident in the headquarters area of the Military Armistice Commission on 7 January 1956, ruthlessly killing Colonel N. Ericsson of the Swedish delegation to the NNSC.

At the 70th meeting of the Military Armistice Commission on 31 May 1956, the United States side announced that it would allow one week for the withdrawal of all the NNIT members from the ports of entry in the South and notified the NNSC to that effect, in disregard of paragraphs 61 and 62 of article V of the Armistice Agreement. This was how the NNITs, which were posted at the ports of entry in the South, were forcibly expelled on 9 June 1956. As a result, the NNSC was no longer able to fulfil its mission, specified in paragraph 41 of the Armistice Agreement, and consequently its functioning was paralysed.

The United States side tried despicably even to manipulate the Panmunjom-based foreign delegations to the NNSC for its military and political purposes.

The United States military authorities invited the NNSC delegation members to the "Team Spirit" joint military exercises targeting the Democratic People's Republic of Korea thus destroying even the neutrality and impartiality that are essential for NNSC activities.

III. EFFORTS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA IN RESPONSE TO THE PARALYSED ARMISTICE SYSTEM

The actions by the United States side to destroy the armistice watchdog body have resulted in a vacuum that might jeopardize the security on the Korean peninsula.

The Democratic People's Republic of Korea side advanced realistic proposals and pursued patient efforts to fill such a vacuum. In an effort to maintain the

NNSC and restore its paralysed functions, the Democratic People's Republic of Korea side put forward the ideas of enhancing the power and function of the NNSC, giving that body a role to play in the process of verification of arms reduction on the Korean peninsula and organizing a neutral-nations supervisory army to stay in the demilitarized zone. These ideas were spelled out in the phased arms reduction proposal of the Democratic People's Republic of Korea, made at the First Session of the Eighth Supreme People's Assembly of the Democratic People's Republic of Korea on 30 December 1986 and further specified in the Democratic People's Republic of Korea Government Statement of 23 July 1987.

The Democratic People's Republic of Korea had pursued this proposal for more than five years to begin negotiations with the United States and other parties concerned. But the United States side refused to respond to this proposal.

In this situation, the Government of the Democratic People's Republic of Korea advanced an epochal proposal on 28 April 1994 calling for the replacement of the outdated armistice system with a new peace system. Under this proposal, to create an environment for the establishment of an institutional mechanism, the Democratic People's Republic of Korea side recalled its members from the Military Armistice Commission and established the Panmunjom Mission of the Korean People's Army in its place.

Under the government-level agreement between the Democratic People's Republic of Korea and the People's Republic of China, the Chinese Government took measures in December 1994 to recall the delegation of the Chinese People's Volunteers from Panmunjom.

In the wake of the withdrawal from the Military Armistice Commission of the delegation of the Korean People's Army which had been supporting the Polish delegation to the NNSC, the Government of the Democratic People's Republic of Korea requested the Polish Government to recall the Polish delegation from the NNSC. The Polish Government withdrew its delegation to the NNSC from Panmunjom in February 1995.

Under the strong demand of the Democratic People's Republic of Korea and the pressure of world public opinion, the United States side agreed to begin the Democratic People's Republic of Korea/United States military talks, which opened in Panmunjom in May 1995, and agreed to discuss ways to establish peace. The working-level contacts in Panmunjom made certain progress in paving the way for eventual Democratic People's Republic of Korea/United States military talks on a general level. But in September, the United States side broke off the working-level talks.

As a result of the invalidation of the Armistice Agreement and destruction of the armistice supervisory body, there is no military deterrent mechanism in place that will guarantee the armistice on the Korean peninsula. In the event that the continuing vacuum entails an unforeseen occurrence with irretrievable consequences, the United States will be held totally responsible for that.

The United States, a party to belligerency with the Democratic People's Republic of Korea, continues to ship modern armaments and combat equipment into south Korea and stages large-scale war games against the Democratic People's Republic of Korea almost every day. In this situation, it is not difficult to guess what consequences will follow in the event that any minor misunderstanding occurs between the two sides.

The United States side still refuses to respond positively to the broad-minded overtures of the Democratic People's Republic of Korea for a new peace system. The United States must not mistake the peace talks proposal of the Democratic People's Republic of Korea for an expression of begging for peace.

Options do not belong to the United States only. If the United States continues stalling for time with its refusal to respond to the proposal of the Democratic People's Republic of Korea, the latter will have no choice but to take the initiative in undertaking the final steps to replace the outdated armistice system with a new mechanism.